IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 18TH SEPTEMBER 2007 / 27TH BHADRA 1929

WP(C).No. 25156 of 2007(T)

PETITIONER:

M/S SUNDARAM FINANCE LTD.,A COMPANY REGISTERED UNDER THE COMPANIES ACT, 1913 HAVING ITS REGISTERED OFFICE AT NO.21, PATULLOS ROAD, MADRAS-600002, HAVING ONE OF ITS BRANCHES AT PALA REPRESENTED BY ITS BRANCH MANAGER AND POWER OF ATTORNEY HOLDER MR. K.SURESH KUMAR.

BY ADV. SRI.MADHU N.NAMBOOTHIRIPAD

RESPONDENT:

MR. P.M.HABEEBULLA KHAN, AGED ABOUT 41 YEARS, S/O MR. ABDULLA, PUTHEN VEETTIL HOUSE, ERATTUPETTA, KOTTAYAM DISTRICT, KERALA-686121.

BY ADV. SRI.T.KRISHNANUNNI (SR.)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/09/2007 ALONG WITH WPC NO. 25157 OF 2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

M.N. KRISHNAN, J.

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W.P.C. NOs. 25156 &
25157 OF 2007

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Dated this the 18th day of September, 2007.

J U D G M E N T

These writ petitions are filed against the order of the learned District Judge, Kottayam in returning the plaints with the observation that the said Court has no jurisdiction to entertain the cases. The grievance of the writ petitioner is that such an order was passed even without properly hearing him and therefore if an opportunity is given he would be able to convince the conscience of the Court about the maintainability of such an O.P. before the said Court. Therefore I dispose of the writ petitions directing the Court below to take back the O.Ps. to file and hear the petitioner and decide the question of maintainability. The Court may do it as expeditiously as possible for the reason that there is urgency in the matter.

2. If the Court finds that it is entertainable, needless to say that the petitioner will be at liberty to move an application for interim relief.

The writ petitions are disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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